

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALCAPONE ALO,  
Plaintiff,  
v.  
CLOVIS POLICE DEPARTMENT,  
Defendant.

Case No. 1:23-cv-00273-EPG

ORDER RE: NOTICE OF VOLUNTARY  
DISMISSAL  
(ECF No. 4)

This matter is before the Court on Plaintiff's notice of voluntary dismissal (ECF No. 4), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendant has not filed an answer or a motion for summary judgment. In light of the voluntary dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i), and has been dismissed. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).<sup>1</sup>

Accordingly, the Clerk of Court is respectfully directed to close the case.  
IT IS SO ORDERED.

Dated: March 16, 2023

/s/ *Eric P. Gray*  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> The notice does not specific whether the dismissal is with or without prejudice. However, in most circumstances, an unspecified dismissal is without prejudice. Fed. R. Civ. P. 4(a)(1)(B) ("Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.").